IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH,
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V. RAMULU

WRIT PETITION No. 14089 OF 1998

Date:07.07.2006

BETWEEN:

1. Alluri Varalaxmi and another

…. PETITIONERS

And

1. The District Collector, Eluru, West Godavari District, and others.

…. RESPONDENTS

ORDER:

This writ petition is filed seeking a Writ of Mandamus directing the respondents not to interfere with the peaceful possession and enjoyment of the petitioners in respect of their lands admeasuring an extent of Ac.2.10 cents in Sy.No.431 of Tundurru village, Bheemavaram Mandal, West Godavari District and not to form any drainage bode in the said land, by declaring the action of the respondents in trying to dispossess the petitioners from their lands and in trying to form a drainage bode by demolishing their houses is arbitrary and illegal.

A counter affidavit has been filed on behalf of the respondents stating that the Department has got every right to improve the land in the drain limits, i.e., the Government land, duly removing any unauthorized encroachments for the welfare of the ryots to save their crops from damage due to submersion. However, the said Polimeracodu drain of Thundurru village could not be taken up due to some field problems, as such, the apprehension of the petitioners that their houses would be demolished is baseless.

In view of the above, the respondents are directed whenever any such drain improvement programme is taken up, without putting the petitioners on notice, the same would

not be proceeded with, and the petitioners would not be dispossessed without following the due process of law.

With the above direction, the Writ Petition is disposed of. No costs.

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(C.V. Ramulu, J.)

7th July, 2006
Js.